

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

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LOUISIANA-PACIFIC CORPORATION,	)	
	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 3:18-cv-00447-JPM
	)	
JAMES HARDIE BUILDING	)	
PRODUCTS, INC.,	)	
	)	
Defendant.	)	
	)	

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**ORDER GRANTING MOTION FOR EXPEDITED DISCOVERY**

**AND**

**ORDER MODIFYING DEADLINES FOR RESPONSE AND REPLY TO MOTION  
FOR PRELIMINARY INJUNCTION**

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The cause is before the Court on Plaintiff Louisiana-Pacific Corporation's Motion for Expedited Discovery. (ECF No. 13.) The Court has considered the motion and finds it well-taken. The motion is GRANTED, and it is hereby ORDERED, ADJUGED, and DECREED that the parties may immediately conduct expedited discovery pursuant to Rules 26, 20, 33, 34, 36, and 45 of the Federal Rules of Civil Procedure as follows:

1. Discovery may commence immediately. The parties need not await a discovery conference or the exchange of initial disclosures prior to initiating discovery through any means permitted by the Federal Rules of Civil Procedure.
2. The parties may undertake discovery pertaining the issues raised in Plaintiff's Motion for Preliminary Injunction on an expedited basis. Service of the written discovery

under Rules 26, 33, 34, and 36 of Federal Rules of Civil Procedure may be effected via facsimile or electronic mail. A party receiving the discovery requests shall answer the limited discovery requests, including the production of responsive documents and electronically stored information, by no later than fourteen (14) calendar days after receipt.

3. The parties are permitted to subpoena testimony and/or documents and things from third parties.
4. The parties may take no more than three (3) expedited depositions per side without prior leave of the Court in connection with the pending Motion for Preliminary Injunction. Depositions may be scheduled on five (5) calendar days' written notice, and in no event later than one (1) day prior to the preliminary injunction hearing (if any) set by the Court, which notice may be served by facsimile or electronic mail. A third party receiving a subpoena shall be deposed by no earlier than five (5) calendar days after the receipt of the notice or subpoena, and in no event later than seven (7) days prior to the preliminary injunction hearing set by the Court. The parties shall provide a list of Rule 30(b)(6) topics to opposing counsel by no later than five (5) days prior to the deposition of a corporate party.
5. If any party determines that additional discovery beyond the limitations in this Order is necessary, the parties shall engage in a good faith discussion(s) for the reasons that additional written discovery is necessary and reach an agreement, if possible. If agreement cannot be reached, a party may move the Court for leave to undertake additional discovery.

6. Nothing in this Order shall be deemed to limit fact or expert discovery in any way following the hearing (if any) on the Motion for Preliminary Injunction, including, but not limited to, the parties' rights to take a second deposition of any party deponent or third party witnesses or limitations on the number of interrogatories or depositions permitted by the Federal Rules of Civil Procedure. Further, nothing in this Order shall limit a party from identifying, using, and/or deposing an expert or retaining additional experts after the hearing on Plaintiff's Motion for Preliminary Injunction.

Regarding the deadlines to respond and reply to the motion for preliminary injunction, Defendant's response to Plaintiff's Motion for Preliminary Injunction (ECF No. 10) shall be due within fifteen (15) days of the entry of this order. Plaintiff's reply (if it chooses to file one) is due within seven (7) days of the response being filed. Because Defendant's counsel has not entered an appearance, Plaintiff is further ORDERED to, within one (1) day of the entry of this order, serve a copy of this order on Defendant's counsel if counsel has been identified, or on Defendant if counsel has not been identified.

**SO ORDERED**, this 12th day of June, 2018.

/s/ Jon P. McCalla

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JON P. McCALLA

UNITED STATES DISTRICT JUDGE